IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 22344 OF 2005

Date: 26.10.2005

BETWEEN:

K. Uday Kumar

.... PETITIONER

And

The Commissioner, Warangal Municipal Corporation

at Warangal.

.... RESPONDENT

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 22344 OF 2005

ORDER:

The petitioner is a resident of Warangal. He inherited a plot of land at Hunter Road, Warangal. According to him, he paid requisite fee by challan, dated 29.12.2003 and made an application to the respondent Corporation seeking building permission. As he did not receive any permission, he proceeded with the construction, and the Municipal Corporation allegedly assigned number to the house. He alleges that on 10.10.2005 the employees of the respondent Corporation came to the premises and made attempts to demolish the structures without issuing any notice. Therefore, the present writ petition is filed.

After getting instructions in the matter, the learned Standing Counsel submits that the petitioner made an application on 30.12.2003 and the same was rejected, as the petitioner did not produce the title deed, and the area, where he wants to construct residential house, is in industrial zone. He further stated that in spite of rejection of his

application, the petitioner illegally made construction, and even before the Corporation could initiate any action, he filed the present writ petition on mere apprehension. The learned Standing Counsel categorically states that the officials of the respondent Corporation never visit the house of the petitioner.

The petitioner has not placed before this Court any permission granted by the Corporation. He only proceeded with the construction assuming that the application was not rejected, which in fact appears to be not correct. Be that as it is, the petitioner filed the writ petition on mere apprehension. As and when the respondent Corporation wants to take any action against the petitioner for raising illegal construction, it shall be open to it to do so following the procedure contemplated under the Hyderabad Municipal Corporation Act, 1955.

The Writ Petition, with the above observations, is accordingly dismissed at the admission stage.

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(**V.V.S. RAO, J.)**

26th October, 2005

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